

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
U.S. Patent No. 5,750,338

Mark L. Collins *et al.*

Reissue Serial No. 09/533,906

Reissue Application Filed: March 8, 2000

For: TARGET AND BACKGROUND
CAPTURE METHODS WITH
AMPLIFICATION FOR AFFINITY
ASSAYS

Group Art Unit: 1634

Examiner: Unassigned

PROOF OF SERVICE

ATTENTION: REISSUE LITIGATION BOX 7

Assistant Commissioner for Patents
Washington, D.C. 20231

I, Kellee Clinton, do hereby declare as follows:

1. I am over the age of eighteen years, and not a party to this proceeding.
2. My business address is 10210 Genetic Center Drive, San Diego, California 92121.
3. On August 1, 2000, I served the following documents in the manner described in

Paragraph 4:

PROTEST UNDER 37 C.F.R. § 1.291;

ATTACHMENT A TO PROTEST ('338 PATENT HISTORY...);

DECLARATION OF MICHAEL M. HARPOLD, Ph.D;

EXHIBIT A – CURRICULUM VITAE OF MICHAEL M. HARPOLD, Ph.D;

INFORMATION DISCLOSURE STATEMENT ACCOMPANYING PROTEST;

PTO FORM 1449;

TWENTY-ONE (21) REFERENCES;

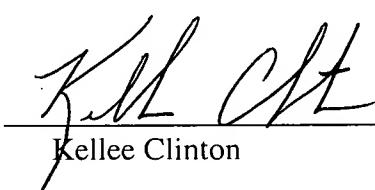
TRANSMITTAL LETTER TO PTO; and
COPY OF RETURN/PREPAID POSTCARD TO PTO.

4. On August 1, 2000, I served the documents listed in Paragraph 3 by placing a copy of each of the documents in an envelope, sealing the envelope, and, with postage fully prepaid, placing the envelope for deposit with the United States Postal Service on the same day, at my business address shown above, following ordinary business practices, addressed to:

Jean Burke Fordis, Reg. No. 32,984
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P
Suite 700
1300 I Street, N.W.
Washington, D.C. 20005-3315

I hereby declare under the laws of the United States of America that all statements made herein are true of my own knowledge and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code.

Executed at San Diego, California on August 1, 2000.


Kellee Clinton

#7

REISSUE LITIGATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:) Group Art Unit: 1634
U.S. Patent No: 5,570,338)
Mark L. Collins *et al.*) Examiner: *[Unassigned] Johansen*
)
Reissue Serial No. 09/533,906)
) Atty. Docket No. Collins Reissue Protest
Reissue Application Filed: March 8, 2000)
)
For: TARGET AND BACKGROUND CAPTURE)
METHODS WITH AMPLIFICATION FOR)
AFFINITY ASSAYS)

PROTEST UNDER 37 C.F.R. § 1.291(a)

TRANSMITTAL LETTER

Attn: REISSUE LITIGATION BOX 7

Commissioner for Patents
Washington, D.C. 20231

Sir

Attached please find the following documents pertaining to the above-referenced Reissue Litigation:

1. Protest Under 37 C.F.R. §1.291(a) - 37 pgs.;
2. Attachment A - '338 Patent History with Post-Issuance Correction & Amendments - 1 pg.
3. Declaration of Michael M. Harpold, Ph.D. - 18 pgs.;
4. Exhibit A -Curriculum Vitae of Michael M. Harpold, Ph.D. - 9 pgs.;
5. Information Disclosure Statement Accompanying Protest Under 37 C.F.R. §1.291(a) -5 pgs.
6. PTO Form 1449 - 2 pgs. (in duplicate - 4 pgs. total);
7. Twenty-One (21) References;
8. Proof of Service to: Jean Burke Fordis of Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP, 1300 I Street, N.W., Washington, D.C. 20005 - 2 pgs.; and
9. Return/Prepaid Postcard

CERTIFICATE OF DELIVERY

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being hand delivered to Group Art Unit 1634 on the date indicated below addressed to the Commissioner for Patents, Reissue Litigation Box 7, Commissioner for Patents, Washington, D.C. 20231.

8/2/00

Date of Delivery

Thinh Nguyen

Name of Person Delivering Paper

Thinh Nguyen

Signature of Person Delivering Paper

PROTEST UNDER 37 C.F.R. § 1.291(a)

REISSUE LITIGATION

TRANSMITTAL LETTER

Reissue App. of U.S. Patent No. 5,570,338
Mark L. Collins *et al.*

Atty. Docket No. Collins Reissue Protest

Reissue Application Filed: March 8, 2000

No fee is believed due in connection with this filing. If, however, Applicant is in error and a fee is due, please debit Deposit Account No. 07-0835 the appropriate amount.

Respectfully submitted,

Pete R. Shear

Peter R. Shearer
Reg. No. 28,17

Dated: August 1, 2000

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PROTEST UNDER 37 C.F.R. § 1.291(a)

ATTACHMENT A

‘338 Patent History with Post-Issuance Correction and Amendments

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'338 PATENT HISTORY WITH POST-ISSUANCE CORRECTIONS AND AMENDMENTS

